

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13861 of 2004

Between:

Padarthi Bujjaiah, S/o.Ragaiah,Ex.Village Sarpanch,
R/o.Pathavellanti Village, Nellore Rural Mandal,Nellore Dist.

..... PETITIONER

AND

- 1 The Commissioner for Prohibition & Excise, Govt. of A.P.At Hyderabad.
- 2 The Dy.Excise Commissioner, Brodipet, Guntur, Guntur Dist.
- 3 The Prohibition & Excise Suptd., Nellore, Nellore Dist.
- 4 M/s. Hari Hara Wines, rep.by its Prop.Babu Reddy,
R/o.Dhanalakshmi Puram village, Nellore Rural Mandal, Nellore Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus; direct the respondents 1 to 3 herein not to permit the 4th respondent to shift the wine shop M/s. Hari Hara Wines, situated at Kakupalli Village, Nellore Rural Mandal, to patha vellanti & Kotha Vellanti village, Nellore Rural Mandal and to pass.

Counsel for the Petitioner: MR.T.C.KRISHNAN

Counsel for the Respondent Nos.1 to 3: GP FOR PROHIBITION & EXCISE

Counter for Respondent No.4 : None appeared.

The Court made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.13861 OF 2004

ORDER:

The petitioner seeks a writ of mandamus directing respondents 1 to 3 not to permit fourth respondent to shift the wine shop viz., M/s.Harihara Wines, situated at Kakupalli village to Pata Vellanti & Kotha Vellanti Village, Nellore Rural Mandal.

The petitioner states that he is the ex-sarpanch of Pata Vellanti village and that there is no wine shop in the said village. It is also stated that the village is a faction ridden place and sensitive area and even on the earlier occasion when there was a proposal to shift Srirama Wine shop to their village the same was not accepted by the authorities on the report submitted by the Inspector of police, Nellore Rural dated 21.10.2002. Now the grievance of the petitioner is that the fourth respondent has made a request to shift his existing shop at Kakupalli to Pata Vellanti village and he is also taking steps to raise suitable constructions in the Pata Vellanti village. It is alleged that the fourth respondent is making hectic efforts to shift his shop to Pathave Vellanti Village and that the respondents 1 and 2 are likely to grant permission as sought by him. Hence, this writ petition.

Heard the learned counsel for the petitioner and perused the material on record. The

learned Government Pleader, who accepted notice for respondents 1 to 3, under instructions states that it is a fact that the request of the fourth respondent for shifting his shop from Kakupally village is under consideration, but the respondents 1 to 3 will strictly adhere to the statutory rules before granting any permission.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondents 1 to 3 to ensure that the provisions of Rule-6 of A.P. Excise (Indian and Foreign Liquor Retail Sale Conditions) License Rules, 1993 are complied with and also to take into consideration the reports submitted by the Inspector of police, Nellore Rural dated 27.10.2002 and the objections raised by the petitioner and other residents of Patha Vellanti village before granting any permission to the fourth respondent for shifting his business premises from Kakupalli village.

Writ petition is accordingly disposed of. No costs.

09.8.2004.

Note:

Issue C.C. in two days.

B/o.

mdaa.

Copy to:

- 1 The Commissioner for Prohibition & Excise, Govt. of A.P. At Hyderabad.
- 2 The Dy. Excise Commissioner, Brodipet, Guntur, Guntur Dist.
- 3 The Prohibition & Excise Suptd., Nellore, Nellore Dist.
4. Two C.Cs to the G.P. for Proh. & Excise, High Court of A.P., High Court building,
Hyderabad (OUT)
5. Two C.D. copies.